

**MINUTES**  
**Texas Board of Health Meeting**  
**September 21, 2001**

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The September 21, 2001, meeting of the Texas Board of Health (Board) was called to order at 10:07 a.m., at the Texas Department of Health (TDH), 1100 West 49<sup>th</sup> Street, Room M-739, Austin, Texas. Mario R. Anzaldua, M.D., Vice-Chair, presided. Five Board Members were in attendance.

**Board of Health Members:**

Mario R. Anzaldua, M.D., Vice-Chair  
Beverly H. Robinson, Ph.D., R.N.,C., F.A.A.N.  
Margo S. Scholin, B.S.N., M.S., J.D.  
Raymond Hannigan  
Amanullah Khan, M.D., Ph.D.

**Registered Guests**

Gayle Harris, Texas Medical Association  
Dinah Welsh, Texas Hospital Association  
Lillie Gilligan, Glaxo-Smith-Kline  
Melitta Bustamante, Legislative Budget Board  
Regina Martin, Legislative Budget Board  
Jim Hogg, AMS Partners of Texas  
R. Weston, AMS Partners of Texas  
Brian Kersh, AMS Partners of Texas  
Jay Howard, Hillco Partners  
Frank Santos, Hillco Partners  
Chris Rivera, Genzyme Corporation  
Dale Yellott, Genzyme Corporation  
Andrew Blair, Genzyme Corporation  
David Wang, Genzyme Corporation  
Rita Littlefield

Dr. Anzaldua welcomed the guests. Also in attendance at the meeting were Charles E. Bell, M.D., Executive Deputy Commissioner, and other key staff members of TDH.

ON A MOTION MADE BY MR. HANNIGAN AND SECONDED BY MS. SCHOLIN, THE MINUTES OF THE AUGUST 16, 2001 SPECIAL MEETING OF THE BOARD OF HEALTH WERE APPROVED AS DISTRIBUTED.

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY MS.SCHOLIN, THE MINUTES OF THE AUGUST 17, 2001, TEXAS BOARD OF HEALTH MEETING WERE APPROVED AS DISTRIBUTED.

Dr. Anzaldua introduced and welcomed Dr. Amanullah Khan as a new Board of Health member.

A Resolution was presented by Dr. Anzaldua in recognition of Carol Daniels. (*Attachment I*)

Dr. Bell presented the Commissioner's Report, a copy of which is attached to and made a part of these Minutes. (*Attachment II*)

Mr. Hannigan presented the Strategic Management Committee Report noting that the Committee approved the Minutes of their August 16, 2001 meeting, then recommended approval of the FY 2002 Audit Plan and the FY 2001 General Revenue Transfer. (*Attachment III and IV*)

ON A MOTION MADE BY MR. HANNIGAN, THE BOARD APPROVED THE FY 2002 AUDIT PLAN.

ON A MOTION MADE BY MR. HANNIGAN, THE BOARD APPROVED THE FY 2001 GENERAL REVENUE TRANSFER.

Mr. Hannigan reported that the Strategic Management Committee received a briefing on three discussion topics. Mr. Rick Danko brought the Board up-to-date on the 2003-2007 Strategic Plan Process. Dr. Philip Huang spoke about the tobacco education and prevention program funds available to the state out of the tobacco settlement of last year. Mr. John Hugg spoke to the Board about changing Texas demographics as a result of information received out of the 2000 Census.

Dr. Anzaldua presented the Health and Clinical Services Committee report, noting that this Committee approved the Minutes of their August 16, 2001, meeting, then recommended approval of

the proposed repeal of rules concerning Early Childhood Intervention (ECI) case management services.

ON A MOTION MADE BY DR. ANZALDUA, THE BOARD APPROVED THE PROPOSED REPEAL OF RULES CONCERNING ECI CASE MANAGEMENT SERVICES FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY PUBLIC COMMENT PERIOD.

The Health and Clinical Services Committee recommended approval of proposed rules concerning detection of abnormal spinal curvature in children.

ON A MOTION MADE BY DR. ANZALDUA, THE BOARD APPROVED PROPOSED RULES CONCERNING DETECTION OF ABNORMAL SPINAL CURVATURE IN CHILDREN FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

The Health and Clinical Services Committee recommended approval of an order adopting the amendments to the rules concerning limitations on services and reimbursement in the Children with Special Health Care Needs (CSHCN) Services Program to be effective November 1, 2001. Dr. Anzaldua stated that the rules needed to be effective as soon as possible and recommended changing the effective date.

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY DR. KHAN, THE BOARD APPROVED AN ORDER ADOPTING THE AMENDMENTS TO THE RULES CONCERNING LIMITATIONS ON SERVICES AND REIMBURSEMENT IN THE CSHCN SERVICES PROGRAM TO BE EFFECTIVE 20 DAYS AFTER FILING. (*Attachment V*)

The Health and Clinical Services Committee recommended approval of proposed amendments to rules concerning the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC).

ON A MOTION MADE BY DR. ANZALDUA, THE BOARD APPROVED THE PROPOSED AMENDMENTS TO RULES CONCERNING THE SPECIAL SUPPLEMENTAL

NUTRITION PROGRAM FOR WIC TO BE PUBLISHED IN THE *TEXAS REGISTER* FOR A 30-DAY COMMENT PERIOD.

Dr. Anzaldua reported that Dr. Sharilyn Stanley gave a presentation on the strategies to control and prevent tuberculosis across Texas and included a recommendation of the use of a questionnaire in counties that have higher rates of tuberculosis. Dr. Stanley also gave a presentation on the new funding formula that is being applied to contracts for services between the Tuberculosis Elimination Division and local and regional health departments for FY 2002. (*Attachments VI and VII*)

Dr. Robinson commended the committee that developed the tuberculosis questionnaire.

Ms. Scholin presented the Regulatory Committee Report, noting that this Committee approved the Minutes of their August 16, 2001 meeting and then recommended approval of a proposed rule concerning the distribution of funds from the EMS and trauma care system fund.

ON A MOTION MADE BY MS. SCHOLIN, THE BOARD APPROVED A PROPOSED RULE CONCERNING THE EMERGENCY MEDICAL SERVICES AND TRAUMA CARE SYSTEM FUND FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY PUBLIC COMMENT PERIOD.

The Regulatory Committee recommended approval of final rules concerning recertification of EMS Personnel. Ms. Scholin commended the staff that worked so hard for months on these rules.

ON A MOTION MADE BY MS. SCHOLIN, THE BOARD APPROVED AN ORDER ADOPTING RULES CONCERNING RECERTIFICATION OF EMS PERSONNEL TO BE EFFECTIVE JANUARY 1, 2002. (*Attachment VIII*)

The Regulatory Committee recommended a proposed rule concerning requirements for radiation notices, instructions, reports to workers and inspection protocol.

ON A MOTION MADE BY MS. SCHOLIN, THE BOARD APPROVED A PROPOSED RULE CONCERNING REQUIREMENTS FOR RADIATION NOTICES, INSTRUCTIONS, REPORTS TO WORKERS AND INSPECTION PROTOCOL FOR PUBLICATION IN THE *TEXAS REGISTER* FOR 30-DAY COMMENT PERIOD.

The Regulatory Committee recommended approval of a proposed rule concerning certification of mammography systems and accreditation of mammography facilities.

ON A MOTION MADE BY MS. SCHOLIN, THE BOARD APPROVED A PROPOSED RULE CONCERNING CERTIFICATION OF MAMMOGRAPHY SYSTEMS AND ACCREDITATION OF MAMMOGRAPHY FACILITIES FOR PUBLICATION IN THE *TEXAS REGISTER* FOR 30-DAY COMMENT PERIOD.

The Regulatory Committee recommended approval of a proposed rule concerning meat and poultry inspection.

ON A MOTION MADE BY MS. SCHOLIN, THE BOARD APPROVED A PROPOSED RULE CONCERNING MEAT AND POULTRY INSPECTION FOR PUBLICATION IN THE *TEXAS REGISTER* FOR A 30-DAY PUBLIC COMMENT PERIOD.

Ms. Scholin reported that Richard Bays, Associate Commissioner, Consumer Health Protection, presented the philosophy for regulatory activities, which was developed as a result of the regulatory review, to give guidance to the regulatory programs within the department on the ideal manner of conducting state business. (*Attachment IX*)

There were no public comments.

There was one written comment that was faxed and received on September 20, 2001, from Ms. Diana Thomas, R.D., L.D., requesting reconsideration of the exclusion of Renagel from the list

of the Kidney Health Program's covered drugs. (*Attachment X*)

Dr. Anzaldua announced the next meeting would be held on Friday, October 26, 2001, in Austin, with committee meetings on Thursday, October 25, 2001.

The Board of Health entered into Executive Session concerning the employment of the Commissioner of Health at 10:36 a.m., and concluded at 11:20 a.m. No action was taken.

Don Gilbert, Commissioner, Health and Human Services Commission, recognized the work of Charles E. Bell, M.D. in having done a magnificent job in performing the duties of the Commissioner of Health. Dr. Anzaldua concurred.

Mr. Gilbert requested the Board of Health to concur with his recommendation for the appointment of Eduardo Sanchez, M.D., M.P.H. to be the new Commissioner of Health. Mr. Gilbert thanked the members for their time and efforts made in the selection of a new commissioner.

Dr. Anzaldua thanked Commissioner Gilbert and the Health and Human Services Commission for their efforts in the search for a new commissioner for the Texas Department of Health.

ON A MOTION MADE BY DR. ANZALDUA AND SECONDED BY DR. KHAN, THE BOARD CONCURRED WITH THE APPOINTMENT OF EDUARDO SANCHEZ, M.D., M.P.H. AS THE TEXAS COMMISSIONER OF HEALTH.

Dr. Eduardo Sanchez stated that he is grateful for the opportunity to serve the people of Texas and looks forward to working with the Board of Health, Commissioner Gilbert and Governor Perry to make this state more healthy tomorrow than it is today.

Dr. Anzaluda thanked Dr. Sanchez for accepting the responsibilities of the Commissioner of Health and welcomed him to the Texas Department of Health. He said the Board of Health is here to move this agency forward and to continue looking after the health of nineteen million Texans.

The meeting was adjourned at 11:30 a.m.

APPROVED: October 26, 2001

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Mario R. Anzaldua, M.D., Vice-Chair  
Texas Board of Health

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Date